

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TIMOTHY TERREL JONES,

Petitioner,

Case No. 2:21-CV-11820

v.

Honorable George Caram Steeh

KRIS TASKILA,

Respondent.

**OPINION AND ORDER DENYING THE MOTION TO  
REOPEN THE PETITION FOR A WRIT OF HABEAS  
CORPUS (ECF No. 11) AND DENYING WITHOUT PREJUDICE  
THE MOTION FOR THE APPOINTMENT OF COUNSEL (ECF No. 14)**

Timothy Terrel Jones, (“petitioner”), filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This Court summarily dismissed petitioner’s habeas application without prejudice on the ground that petitioner failed to exhaust his claims with the state courts. This Court also declined to hold the petition in abeyance pending petitioner’s exhaustion of his claims in the state courts because he had the entire year remaining within the one year statute of limitations under 28 U.S.C. § 2244(d)(1) to file a new habeas petition after exhausting additional state court remedies. *See Jones v.*

*Taskila*, No. 2:21-CV-11820, 2021 WL 3552238 (E.D. Mich. Aug. 11, 2021).

Petitioner has now filed a motion to reopen the original petition for a writ of habeas corpus.

This Court is without the power to reinstate petitioner's original habeas petition that had previously been filed before this Court. This Court did not retain jurisdiction over petitioner's first habeas petition which was dismissed without prejudice based upon petitioner's failure to exhaust his claims with the state courts, in the absence of any express retention of jurisdiction over the first petition. See *Lefkowitz v. Fair*, 816 F.2d 17, 21 (1st Cir. 1987). Because this Court did not expressly retain jurisdiction over the first petition, this Court will deny petitioner's motion to reinstate the original habeas petition to the Court's active docket. See *Wilson v. Warren*, No. 06-CV-15508, 2008 WL 5273633, \*1 (E.D. Mich. Dec. 17, 2008). The denial of the motion is without prejudice to petitioner filing a petition for writ of habeas corpus with the federal district court under a new case number.

Accordingly, the motion to reinstate the habeas petition (ECF No. 11) is **DENIED WITHOUT PREJUDICE** to petitioner filing a petition for a writ of habeas corpus with the federal district court under a new case number. The

motion for the appointment of counsel (ECF No. 14) is also **DENIED  
WITHOUT PREJUDICE.**

Dated: July 13, 2022

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 13, 2022, by electronic and/or ordinary mail and also on Timothy T. Jones #165747, Baraga Maximum Correctional Facility, 13924 Wadaga Road, Baraga, MI 49908.

s/Brianna Sauve  
Deputy Clerk